



#19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael Gauselmann

Serial No.: 09/491,779 Filing Date: January 26, 2000

Title: **METHOD FOR OPERATING A COIN ACTUATED ENTERTAINMENT AUTOMAT**

Examiner: Dolores S. Collins Art Unit: 3711

October 4, 2001

Attorney's Docket: ADP231

RENEWED PETITION UNDER 37 C.F.R. § 1.137(b)

RECEIVED

Hon. Commissioner of Patents and Trademarks

Box: DAC

Washington, D.C. 20231

OCT 11 2001

OFFICE OF PETITIONS
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SIR:

This is in response to the Decision on the Renewed Petition Under 37 C.F.R. 1.137(b) dated September 24, 2001 setting a statutory period for response of two months, said period expiring on November 24, 2001.

The mentioned document states that, "Decision on the Petition Under 37 C.F.R. § 1.137(b), filed May 15, 2001, to revive the above-identified application.

The petition is DISMISSED.

Any request for reconsideration of this decision must be submitted within two months from mail date of this decision. Extensions of time under 37 CFR 1.13(a) are permitted. The reconsideration request should include a

cover letter entitle “:Renewed Petition Under 37 C.F.R§1.137(b).” This is not a final agency decision.

The application became abandoned on December 16, 2000 for failure to submit a proper reply to the final office action, mailed September 15, 2000, which set a three month shortened statutory period for reply. The amendment filed December 15, 2000 failed to place the application in condition for Allowance as applicant was so notified by way of Advisory Action mailed January 11, 2001. No extensions of time for reply in accordance with 37 C.F.R. § 1.136(a) were obtained. Notice of Abandonment was mailed April 20, 2001.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) the required reply to the outstanding office action or notice, unless previously filed;
- (2) the petition fee as set forth in 37 C.F.R. § 1.17 (m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137 (b) was unintentional. The Commissioner may require additional information where there is question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.120 (d)) required pursuant to 37 C.F.R. § 1.137(c).

The present petition fails to satisfy requirement (1) above.

Petitioner is entitle to submit a Request for Continued Examination (“RCE”) as the reply required by 37 C.F.R. § 1.137(b)(1). The RCE submitted herewith fails to comply with the requirements of 37 C.F.R. § 1.14(a). A request for continued examination of an application must be accompanied by a submission and the required RCE fee. Petitioner has failed to provide the required submission. Accordingly, this application cannot be revive until a proper reply is submitted. Any renewed petition should be accompanied by a submission within the meaning of 37 C.F.R. § 1.14(c”).

The Decision on Petition states that, “a request for Continued Examination of an Application must be accompanied by a submission and the required RCE fee”.

The term “submission” is read by the applicant as “RCE Submission”.

Applicant had filed on May 15, 2001 the same date he filed Petition for Revival of an application for Patent abandoned Unintentionally.

It is believed that this petition may have met the requirements expressed in the Decision on Petition, but may not have been associated with the Official file at the time the Decision was rendered.

Reconsideration of the Decision is respectfully requested.

Applicant further notes that on December 15, 2000 an Amendment was filed in response to the Office Action of September 15, 2000.

If the term "submission" employed in the Decision on Petition should refer to such response submission, their consideration of said amendment is respectfully requested.

In response to said requirements applicant further respectfully submits the following :

a) Amendment Under Rule 116 – REQUEST FOR RECONSIDERATION

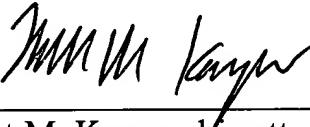
As stated in the Decision on Petition dated September 24, 2001 no fee is due in connection with this renewed petition. However, if other fee (s) is (are) required the undersigned attorney hereby authorizes the H. Commissioner for Patents to charge any fee (s) to Deposit Account 11-0224.

A copy of the Decision on the Renewed Petition dated September 24, 2001 is enclosed. Reconsideration of the present petition is respectfully requested.

Respectfully requested,

Michael Gauselmann

By:



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Reg. 28,559 Docket No.: ADP231

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